

IDAHO BOARD OF OPTOMETRY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 12/3/2018

BOARD MEMBERS PRESENT: Raymond C Goodman, O.D. - Chair
Aaron J Warner, O.D.
Lance William Fagan, O.D.
Terri L Haley, O.D.

BOARD MEMBERS ABSENT: William Von Tagen

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Joan Callahan, Legal Counsel
Jean Uranga, Board Prosecutor
Cesley Metcalfe, Technical Records Specialist II

OTHERS PRESENT: Kris Ellis, Idaho Optometric Physicians

The meeting was called to order at 9:30 AM MST by Raymond C Goodman, O.D.

INTRODUCTION OF NEW BOARD MEMBER

Dr. Goodman welcomed Dr. Haley to the Board. Dr. Haley gave members a brief description of her history in optometry and declared her excitement to serve on the Board.

APPROVAL OF MINUTES

Dr. Warner made a motion to approve the minutes of September 5, 2018, September 10, 2018, and October 29, 2018. It was seconded by Dr. Fagan. Motion carried.

LEGISLATIVE REPORT

Ms. Cory stated that since there is a new administration the dates may change this year, but that last year the deadline to submit proposed law changes to the Governor's Office was July 13, 2018 and the deadline to submit proposed rule changes to the Governor's Office was August 17, 2018 for the 2019 Legislative Session.

Ms. Cory stated that the Bureau has been working on putting together legislative outreach meetings similar to last year. Ms. Cory and Dr. Goodman recently attended a legislative outreach meeting in Bellevue, Idaho with legislators and members from multiple boards.

Dr. Goodman stated that he provided meeting attendees a brief history of optometry; described the practice of optometry; explained the difference between optometry and ophthalmology; and summarized the desired scope of practice of optometry as being able to do what optometrists are educated and trained to do. Dr. Goodman provided the legislators with a map that illustrates the numbers of optometrists and ophthalmologists in locations throughout the state. The map underscores the lack of accessibility to ophthalmologists in rural areas.

Ms. Cory updated the legislators at the meeting stating that the Board had thought it would bring a rewrite of its Act this year. However, the scope of practice emerged as needing a significant change, which is an Association issue. The Board has encouraged the Association to involve interested parties in the scope of practice discussion and authorized Dr. Warner and Mr. von Tagen to work with other stakeholders before legislation is brought forth.

Ms. Cory also reported that there will be a legislative outreach meeting in Coeur d'Alene on December 12, and that the Bureau will work on scheduling meetings in southwest Idaho during the first two weeks of the 2019 Legislative Session.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory stated that the Interim Committee met November 26, 2018. The committee also accepted an invitation from the National Conference of State Legislatures (NCSL) to be part of a consortium on occupational licensing issues.

Ms. Eavenson attended the consortium meeting and stated that the Interim Committee made one recommendation to provide for the possibility of bringing endorsement legislation during the 2019 session, and also accepted the draft legislation for reauthorization of the committee.

Ms. Eavenson stated that she recently represented Idaho's Executive Branch at the National Conference of State Legislatures (NCSL) meeting on licensure in Tampa, Florida, with Senator Lakey, Senator Den Hartog and Representative DeMordaunt. The intensive, three-day meeting included review of multiple states' licensure requirements and processes. Based on discussions held at the meeting, two predominant goals emerged for Idaho: defining and implementing consistent licensure requirements for current military service members, veterans, and current member's spouses; and harmonizing many licensure requirements, including endorsement and continuing education, across Boards in Idaho.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$86,681.24 as of October 31, 2018.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number OPT-2018-2. Dr. Fagan made a motion to close the case with an advisory letter. It was seconded by Dr. Warner. Motion carried.

Ms. Uranga presented a Stipulation and Consent Order in case OPT-2018-3. Dr. Warner made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Haley. Motion carried. Dr. Haley made a motion to extend the payment terms from 90 days to 180 days. It was seconded by Dr. Warner. Motion carried. Dr. Warner made a motion to approve the selected psychologist, counselor, and supervising optometrist submitted by the licensee for approval. It was seconded by Dr. Haley. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Dr. Warner made a motion to approve the Bureau's recommendation and authorize closure with an advisory letter in case OPT-2018-29. It was seconded by Dr. Fagan. Motion carried.

The Board discussed whether to hire a pro-reviewer or appoint a cognizant member to review files pursuant to case OPT-2017-1. Dr. Haley made a motion to approve Dr. Goodman as the cognizant member for records review in this case. It was seconded by Dr. Fagan. Motion carried.

Ms. Peel presented the Board with a supervision report template. Dr. Warner made a motion to adopt the template for use in disciplinary cases when supervised practice is ordered. It was seconded by Dr. Haley. Motion carried.

BOARD MEMBER TRAINING

Mr. Ellsworth presented a training session on the role of a regulatory Board and its members.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

PROPOSED LAWS

Ms. Callahan and Dr. Warner updated the Board on the first two meetings held by the Idaho Society of Ophthalmology and the Idaho Optometric Physicians. Representatives from the Idaho Medical Association were also present, and Ms. Callahan and Dr. Warner attended as representatives of the Idaho Board of Optometry to observe the discussions. The meetings are being held to bring together interested parties for collaboration on an update to the Optometry Act. The main discussion has so far been centered on the scope of practice for optometrists with a focus on advanced procedures. The parties have not yet scheduled the next meeting.

NEW BUSINESS

CONTINUING EDUCATION COURSE APPROVAL AND COUNCIL ON OPTOMETRIC PRACTITIONER EDUCATION (COPE) ACCREDITATION

The Board discussed the current procedures for approving continuing education courses. Dr. Fagan made a motion to automatically approve all courses that have been approved by other states or that are Council on Optometric Practitioner Education (COPE) approved. All other courses will be reviewed by the Board Chair for approval. It was seconded by Dr. Warner. Motion carried.

The Board directed Bureau staff to work on a rule change that includes the above provisions.

OPTOMETRIC EDUCATION (OE) TRACKER

The Board discussed providing an Optometric Education (OE) Tracker subscription to each Idaho licensee. The Association of Regulatory Boards of Optometry (ARBO), which maintains OE Tracker, offers a discounted price of \$15.00 per licensee per year to regulatory Boards that pay the subscription fee for its licensees. The Board directed Bureau staff to add the discussion to the agenda for the next meeting.

PROCESS OF STATUTES VS RULES

Ms. Callahan provided the Board with an overview of the process and timelines for statutes and rules submitted to the Legislature.

CORRESPONDENCE

The Board reviewed correspondence from the Accreditation Council on Optometric Education (ACOE). No action was taken.

The Board acknowledged the receipt of correspondence from Ms. Ellis, and directed Bureau staff to present the correspondence for discussion at its next meeting.

Dr. Warner left the meeting.

The Board reviewed correspondence from an individual seeking clarification on two questions from the open book examination that is part of the application for licensure as an optometrist in Idaho. Dr. Fagan made a motion directing Bureau staff to respond that the individual may be looking at the wrong section of rule for an answer to question number eight; to provide an alternate section that may provide the correct answer; and to confirm that there is currently no correct answer to question number nine due to a rule change, and that it will be removed from the exam. It was seconded by Dr. Haley. Motion carried.

EXECUTIVE SESSION

Dr. Fagan made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Haley. The vote was: Dr. Goodman, aye; Dr. Warner, aye; Dr. Haley, aye; and Dr. Fagan, aye. Motion carried.

Dr. Fagan made a motion to come out of executive session. It was seconded by Dr. Haley. The vote was: Dr. Goodman, aye; Dr. Warner, aye; Dr. Haley, aye; and Dr. Fagan, aye. Motion carried.

APPLICATIONS

Dr. Haley made a motion to approve the following:

901036865

It was seconded by Dr. Fagan. Dr. Haley amended the motion to state that the application is approved for licensure pending receipt of additional information. Dr. Fagan seconded the amendment to the motion. Motion carried.

NEXT MEETING was scheduled for February 25, 2019 at 9:30 AM MST.

ADJOURNMENT

Dr. Fagan made a motion to adjourn the meeting at 12:25 PM MST. It was seconded by Dr. Haley. Motion carried.

Raymond C Goodman, O.D., Chair

Aaron J Warner, O.D.

Lance William Fagan, O.D.

Terri L Haley, O.D.

William von Tagen

Tana Cory, Bureau Chief